Sri H. M. CHANNABASAPPA.—The request of hon. member Sri T. R. Shamanna is conceded.

ಶ್ರೀ ಎಂ. ಎಸ್ ಕೃಷ್ಣನ್,—ರೂಲ್ ೩೧೨ರ ಕೆಳಗೆ ಬೆಂಗಳೂರು ಸಿಟಿಯಲ್ಲಿ ರೇಷನ್ ಕಾರ್ಡ್ ಹಂಚಿಕೆ ಬಗ್ಗೆ ಒಂದು ನೋಟೀಸ್ ಕೊಟ್ಟಿದ್ದೇನೆ. ಎರಡು ಮೂರು ದಿವಸಗಳಿಂದ ಆಹಾರ ಸಚಿವೆಯವರು ಸಭೆಗೆ ಬರಂತ್ತಾ ಇಲ್ಲ.

MADAM SPEAKER.—She is unwell and taking injections.

Sri M. S. KRISHNAN.-If it is real illness, we have all considerations for her. Let it not be political illness,

MUNICIPAL TAXATION (MYSORE EXTENSION) BILL, 1973

Recommendation of the Governor-Announcement

4-30 P. M.

MADAM SPEAKER.—I have an announcement. The Governor has recommended that the Municipal Taxation (Mysore extension) Bill, 1973 be taken in to consideration bythis House.

Motion to consider (Postponement)

SRI H. M. CHANNABASAPPA.—(Minister for Public workers) Madam speaker, I would requesi you to postpone the consideration of this Bill and take up the next Bill on the agenda.

MADAM SPEAKER.—Allright. Now we will take up further discussion on the Mysore Urban Water Supply and Drainage Board Bill, 1973. Hon. Member Sri Krishnan to continue his speach.

MYSORE URBAN WATER SUPPLY AND DRAINAGE BOARD BILL, 1973.

(*Motion to consider Debte continue*)

(Mr. Deputy Speaker in the chair)

†Sri M. S. KRISHNAN (Malleswaram).— Mr. Deputy Speaker, the other day I made out two points in respect of this Bill. It is a measurs which can either be welcomed or criticised ; it could be wellcomes from one end and criticised from other end. The intention of this masure is to provide water Supply and drainage system in the various municipalities of our State We know the condition of various municipalities in our State is very bad and to that extent this Bill was essential and I really congratulate the Hon. Minister. The Muni-

cipalities have no finances, technical Know-how, proper administration and therefore a machinery has to be created to bring water supply and drainage in such towns which are considered to be towns under the Municipalities. I would also say that this Bill is necessary because most of the municipalities in old Mysore area have no drainage system, As far as new Mysore is concerned there have been a number of towns which have now become municipalities where there is no water supply and underground drainage facilities. Under these circumstances it is absolutely necessary to have a measure of this kind and from that angle I welcome this Bill.

Then Sir, I also pointed out some of the negative features in respect of this Bill, the other day. One particular aspect which I would like to bring to the notice of the House is about clause 28, which reads thus :

> "28; power of local authority to undertake schemes.—No local authority shall without the approval of the Board investigate, prepare or execute any scheme :
>
> Provided that no such approval shall be given by the Board if the cost of the scheme to be undertaken by the local authority exceeds or is likely to exceed fifty thousand rupees."

This means that a municipality by it self can never undertake any such schemes and even such of the municipalities which have the capacity, technical know-how and finances to undertake the schemes cannot do it as per this clause. This I think is a very serious and abnoxious thing. You are substituting the work of the local authority by a Board and even this Board gets the finances from the Government according to what you have started here. Firstly, I don't understand why the municipalities which could execute such schemes should be disabled from executing the scheme by virtue of this Bill. Secondly, by the statement you have made and the approach made in this Bill is also not proper.

Sri S. M. SHEERNELL CHANDRASHEKAR.—May I know whether there is quorum ?

MR. DEPUTY SPEAKER.—There is quorum.

SRI M. S. KRISHNAN —Sir, when all the finances for this Boards were to come from the Government I don't see any reason why this should not have been entrusted to the P.W.D. itself. Even the officers who work on this Board will be mostly lent officers from Government.

Sir I was trying to point out that as far as this particular scheme is concerned, the scheme envisages all the finance being given by the Board. Under those circumstances, why should they create an agency which will enormously increase the overhead charges ? As we all know an additional machinery and Board like this would mean so many

(SRI M. S. KRISHAN)

Directors, We have 13 people according to the scheme plus administrative staff plus Engineers and technicians. This means that overhead expenses will definitely increase. They could have as well entrusted this work to the P.W.D., who have sufficient number of engineers. I do not know whether the P.W D. is not able to do it. Only Sri Channal basappa, Minister for Public Works and Sri Basavalingappa, Minister for Municipal Administration should Answere this point. When such a Board has been set up, they always see that as many number of deputationists are sent as possible. In the Bangalore Water Supply and Sewerage Board, out of one thousand two hundred and odd persons, there are more than 400 to 500 deputationists. It is not the top officers that are deputed, but even Clerks and peons are deputed from the Government. A part from this, they also take persons from outside. The deputationists enjoy all the privileges and rights and service conditions of the Government. But as far as the other employees are concerned, it is not know what their service conditions are. Sometimes, it is the Chairman of the Board who is also the Engineer-in Chief and Additional Secretary to Government, Sri Magdum. who has to decide the fate of these people. I do not want this Board also to be a similar one. I am afraid it may become also of a similar nature, and that is why I am warning the Government that they should not have any deputationists. If you want to have deputationists, it should be confined to only a few who are absolutely essential. Otherwise it becomes an inefficient Board and cannot discharge the functions which are envisaged in the Bill. Therefore, a new look will have to be made and a positive assurance should be given by the Hon ble Minister who has brought this Bill that they will not take more deputationists on this Board.

Another important aspect which is a matter of serious consideration is that this Bill speaks of the cost of the scheme. I have given amendments and I would speak at lenght on my amendments.

MR. DEPUTY SPEAKER.—The hon. member may please give a brief idea of the amendments also.

SRI M.S. KRISHNAN.—The only point that has been envisaged ie clauses 20 to 28 is that the cost of the scheme should be charged to the Municipalties concerned. It says that investigation, planning and execution to be done by the Board and the cost of it to be shared by the Municipalities and the number of local authorities, the cost being distributed in a particular manner. If they do not give, the Government will have to pay or write off. But the Board is supposed to get the money from these various Municipalities. There are two functions for the Board one is water supply and another drainage, the more important one is water supply. A very very significant slogan has been given by the Prime Minister of our country Smt. Indira Gandhi

and also personallties connected with the Planning Commission that in our country drinking water must be supplied to every village in all the rural areas and also in the towns. I have read the Plan Approach of the Mysore Government and in the approach to the Plan also this has deen stressed, and the same thing has been stressed in Governoros address also. So,drinking water has become an absolute essential thing. It is a sort of a social service that Government has got to do. If that is so, is it correct that the Municipality should bear the entire brunt of it and that too Municipalities which are not capable of bearing it at all? Why should you again burden such Municipalities? I should say that you are again bringing a very old thing. Under the circumstances I would say that the Municipalities must make some contriubtion I do not say it should be free. But, if it could be made free, it would have been a good thing. I would say that a portion of it at last for water snpply should be borne by the Government, and the Municipalities should not be charged fully. A portion must be taken over as the responsibility of the Board, and then only the spirit which is spoken of today either by the Prime Minister, the Chief Ministers and various other spokesmen in the country, will be implemented. That is why I say it is a very important matter and should be considered.

Secondly, by charging them fully, you will be increasing the water rate. We are supposed to give water to municipalities which have no stable financial foundation and water to people in rural areas, and we should not expect them to pay a high rate for water supply because it would be absolutely unjustifiable. By the imposition of payment by the Municipalities and local bodies, you will be increasing the water rate and it will be a heavy burden upon the people. Therefore I request the Government to consider whether they should be charged fully or not.

There is also a provision in the Bill that the Government will have to collect it from the local authorities. What do they do with those local authorities and Municipalities which are not able to pay? It is stated in the Bill that Government will take an appropriate decision. I feel that the errant municipalities will be let of and the honest municipalities will be made to pay. This is not correct and is not justifiable. That it why I say it is better to get a certain percentage of funds towards the cost of the scheme which are to be implemented in the various Municipalities.

Then, Sir, I would like to bring to your notice one very important aspect about clause 4 which speaks of the constitution of the Board. Clause 4 reads like this :

" 4. Constitution of the Board (1) The Board shall consist of,-

(a) Chairman :

(b) a Managing Director,

(c) three directors to represent respectively the Departments of he Secretariat of the Government dealing with'

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That means, this Board consists of 13 personalities. The,whole thing has to be improved. What do you mean by heaving a Chairman and a Managing Director ? If you have a Chairman and a Managing Director in one Board, then each one will give his own opinion which will be definitely contradictory to each other. By this arrangement, the functions of the Board itself would suffer. I can understand if there are a numbeo of boards in the State and if there is a Chairmen at the highest level and some Directors on the Boards, The Chairman at the highest level is expected to coordinate the activities of other Boards. My own feeling is the idea seems to be that the Minister himself should be the Chairman, though it is not stated in the Bill, but the idea behind this clause is to have the Minister as the Chairman of the Board Just like the Chairman of the MSRTC who happens to be the Minister on that line they want to have the Minister as its Chairman.

SRI B. BASAVALINGAHPA.—Now the chairmen of the MSRTC is Sri R. M. Desai. The Minister ceases to be the Minister of that Corporation.

SRI M. S. KRISHNAN.—If that is not the idea, I do not see any reason why there should be both a Minister and the Managing Director to the Board. The word Managing Director cannotes in the industrial parlance, as the Managing Director of various industries like HMT, Air craft etc. But here, word is used in the case of a Board. If you have a Chairman and Vice-Chairman for the Board, I have no objection But here I do not follow the meaning of the word Mananging Director. The functions of these officers will have to be defined. Let it be frankly stated that the Chairman shall be the Minister for Municipal Administration. This would be a much franker position than what has been stated here. I would request you to recast this clause 4 in a proper manner.

Then, Sir, it is also stated in this Bill that there shall be four directors with wide experience in the field of public health engineering with reference to water supply or drainage or disposal of induftrial wastes who are not emp,oyed by the Government or a local authority or a corporation owned or controlled by the Government. Who are these 4 directors with wide experience in public health engineering ? Experience need not be a qualification. If the understading is that technical people should be the director, then I have no objectiou. But if the understanding is that they want to take a Corporator or a Mayor or a ruling party member, then I strongly object to it. I want that the emphasis should be laid upon the technocrats and not upon the representatives of the people like MLAS or M L C.S. Corporators Even Corporators can become the member of thisBoard because they willhave

gained experience by approaching the Contractors in the public health engineering It doesnot precluds the Mayors becoming the member of this Board or an ex-Mayor becoming a member of thts Board because of their wide experience It is only with a view to acoummodate the MLAS and MLCS such a provision has been made is this Bill. The clause speaks verecalerly that these people cannot be precluded from becoming members of the Board. My submission is, let it be put in a straight forward and honest way and let there not be any dishonest in regard to this.

MR. DEPUTY SPEAKER.—If there is an expert MLA like Sri Krishnan;

SRI M. S. KRISHNAN.—I am not an expert Sir. The representatives of the people should be totally excluded from the Board I want to lay stress more on the technical personalities to be on the Board. In fact, I have tabled an amendment stating that there should be 2 technical personalities with engineering qualification and two members one each from the Assemble and the Council. I shall speak on my amendment when the Bill is takenup for clause byclause consideration

One more aspect which I should like to bring to your notice is that there is clause 7(2) in this Bill which reads like this.

MR. DEPUTY SPEAKER.—When the clause by clause consideration of the Bill is takenup, he can speak on these clauses. But the scope of the Bil) under discussion is limited. The Bill is now to be considered in a general way. If he goes on dilating on the clauses of the Bill, then he will be widening the scope of the discussion which is not permissible

SRI M. S. KRISHNAN.—I was speaking about the Directors of the Board In this clause what has happened is that some people who are supposed to be here are not really there. That is what it seeks to do. But actually if you read through it, what you donot want to have, you wil be haveing them and what you want to have, yon donot have. That is the position. I feel that the whole clause should be deleted. I would like to point out to you that it is a purpose less, absolutely useless clause which has been pnt in here and it should be deleted.

One more aspect is : it has been my experience that these autonomous Boards do not have any proper rules governing the employees and their service conditions. These rules depend upon the whims and fancies of the personalities. They adopt whatever rules they want and diregard whatevar rules they want. Even though the law says that there must be such a rule: they say 'No' they are not entitled. For example, I would like to point out that in Bangalore Water Supply and Sewerage Board there are 1300 employees out of which 400 are deputationists. These deputationists are governed by the State Government rules and for the rest of the employees, the Board says shat they have

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adopted MCSR by a resolution of the Board. But in fact what has happened is they have adopted some portions of the MCSR rules which are useful to them and they have left off those that may be in favour of the employees.

5-00 P. M.

I would like to say that the conditions of service of the Board employees are not satisfactory. The Board has not brought them on par with the Government employees. Therefore they are neither Government employees nor the regular employees of the statutory body. Then what are the rules these people are governed by ? We had severe discussion with them. The employees want to the Court. The concerned Courts have held that they are governed by the Industrial Dispute Act and rules and regulations coming under that Act. It was brought to the notice of the Hon. Minister for Municipal Administraion. But till now no respect has been given to the Court Orders. Very scant respect has been shown. The Government is functioning like dictator. I can understand the dictatorship of Hitler of Germany. I am not saying that the Government of Smt. Indira Gandhi is behaveing like that. But I am referring to the persons who are ruling these Boards. They are behaving absolutely as dictators. To-day the employees do not have any proper service conditions and rules. They are following the orders given by the Labour Department If the Goverment have any interest in them, they must haul them up and take action. This must be the attitude of the Government. If Sri Channabasappa were to be in charge of this Department, I think action would have been taken He had taken some bold action in the Public Works Department. But here the present Minister is not caring for even the Court Orders. Even the services of the Secretary of the Association have been terminated. I do not want the employees of the Board should suffer in the absence of any specific rules and regulations. We do not want the super dictators like Sri Mugdum to rule this Board. From the very beginning we are saying that the employees of the Board should atleast have the conditions of service not less than that is obtaining in respect of the Government employees. Atleast that much could be done and I am not saying that you must give them beyond that, because it is a semi-Government official Department. It is a part of the Government. Though it is called autonomous it is very thin and it has no independent powers. We cannot have an idea that it is autonmous body and its Chairman is acting independently. Its functions are governed by the Government it self. These employees are there and they must be governed by the rules and conditions not tess than that of the State Government employees. This is a very important matter which is missing here totally.

Then I come to clauses 17. and 18. These speak of functions and powers of the Board and also about the general powers of the Board. There are two aspects in the matter. The clause 17 deals with the powers and functions of the Board and also about its rights to investigate, its right to plan and execute the schemes. I have no quarrel with it. The general power is in clause 18. If you see clause 18, you will understand this clause gives power to acquire and hold such movable and immovable properties and the power to acquire any land under the Land Acquisition Act Who is the authority to acquire land the Urban areas like Bangalore ? It is the Trust Board which has to do this work. If it is a Municipal Area, the Municipality concerned should do it. When that is the position why this Board should be given the extra power of acquiring the lands. I can understand acquiring the property like buildings because the buildings are necessary to accommodate the officers of the Board. This acquisition power is already vested with the Municipalities and the Trust Board and the Trust Board is already functioning. Inspite of all these, this has been done. Why these people should have this power ? It looks as though they want to have more and more powers than what is necessary. The reason they quote is they want to implement their schemes. If all these powers are vested in the Board then I think there is no necessity for the local authorities at all If the local authorities are done away with, then of-course you can have it. If you speak of the democratic functions and say that these are the persons who could look after the welfare of the people better than the Municipalities and Trust Boards then of course these powers can be given to these Boards. You must choose between these two. This is my submission.

Then there is one more aspuat which I want to bring to yonr notice about the power of local authority to undertake schemes. As my friend Sri T. R Shamanna pointed out, there is no necessity for this clause at all He has pointed out that this clause may be deldted. I too do not see any reason as to why this clause should be there. This clouse 23 reads like this :

"No local authority shall without the approval of the Board

investigate, prepare or execute any scheme....."

The local authority has got capacity to investigate and they have to see the schemes that are undertaken are implemented. By putting this clause you are coming in their way. It is a total centralisation of powers which is uncalled for in the present circumstances. It is the duty of the Government to see that these local authorities are given more powers so that they can take more initiative to undertake schmes.

This clause must go. Such powers should not be there. Total powers should not be given to the Government.

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There is one more aspect-a very important aspect. The scheme says that they are giving loans and advances to the Municipalities to execute the schemes. The Board its self not a Bank and has to get money from the Government or other financial institutions probably and it is supposed to give loan. You are yourself a debtor and you want to give another person further debt and loans. I have no objection for giving loans and advances. The Municipalities have no money. And, if they have no money, if you are giving them loan, what is the rate of interest that you are charging ? Do you charge interest at all or is it an interest-free loan ? Nothing is clear.

The rate of interest that is being charged to these Co-operative institutions is very high and that ultimately reacts upon the consumer. It comes to something like 9½ per cent or in some cases to all per cent I know, Sir, that the reports of the Revenue Bank of India in regard to this, have very strongly criticised this. 'It is not correct to charge such a heavy rate of interest', they have started. By doing so, you are killing the co-operative movement. It holds good in the case of this loan. If you give loans and advances to the various Municipalities, I would say : you should treat them as interest free loans. This should be very specifically started, because it is the Government that is giving loan. They cannot act like a marwadi. In the interests of the people, in the interests of running the Municipalities, and in the interests of execution of the various schemes, it should be an absolutely interest-free loan and not the way as it is envisaged here.

There are one or two other aspects. There is the issue of 'PENALTIES AND PROCEDURE', I am one of those who feel that there must be penalties if there are errant people-if they go against Law But then, how is it to be implemented ? Who is the agency to do it ? I have a suspicion that in this Bill, more power is givien to the Police then is necessary. If you read the clause here, you will see that the powers of the Police seem to be too drastic. It may be argued from the other end like this : If a Municipality want to execute a scheme like laying a pipe-line and if somebody comes and obstructs, it may go against the very interests of the people and so the Police might have to come and take necessary action. As you know, in the common Law -even in the Indian Penal Code-, all these things are envisaged. When there is a threat to a person or persons who waht to implement a scheme that is in the interestsof the community, at large, there are enough penal provisions to deal with such a situation. Such being the case, why shouldt additional provisions be there ? This is a matter which I connor understnd. That is why I would request this this have another look and they must try to see that this is made as strict as necessary, and, at the same time not dictatorial, by investing all the powers with

the Police. We know how the Police conduct the affairs when it is handed over to them. There is always a conflict between the people and the Police. If so much power is given to the Police, it will defect the purpose for which it was intended. So, another look is to be there in regard to the powers given to them.

Sir, lastly I would like to say one word about the Miscellaneous provisions particularly EMERGENCY POWERS and DELEGATION OF POWER, etc. There appears to be not a very clear-cut understanding as to what should be the powers of the Managing Director and what should be the powers of the Chairman and what should be the powers and functions of the Secretary. It may be stated that these things may come in the Rules, but, I know for certain that even the Rules do not envisage complelety all the functions and obligations of these various important officials-important posts. That is why, I would say that a more clear definition should be there in regard to these difinitions and there should not be a conflict of interests between the two, which leads to the stoppage of the functioning of the Board itself. The Bill says, that if there is a conflict between the Board and the local authorities in respect of any scheme, its implementation e c., etc.,then the ultimate authority is the Government to decide. I would say it is a correct provision. Government has to be the ultimate authority, but some way must be found out to see that these disputes are resolved at the earliest. As we know, this is a scheme wherein water is to be given to the people ; this is a Bill which envisages implementation of underground drainage system and water supply. In these circumstances, if some politician or some persons-because of the various groups which are there in the various municipalities-bring in this conflict and try to stop the work woe be to the purpose of the Board. This must not be defeated and that is why I think you must safeguard aganist it. I am not awere how it should be safeguarded but I would say that necessary safeguards should be there.

With these remarks, I would again say that there are positive features and negative features in the Bill. A positive feature is that a Board is necessary. But there are quite a number of negative features and the negative features must be taken in all seriousness and the Amendment which I have given are on the same lines. They must also be considered. Quite a number of them are reasonable and I hope you will accept them.

Thank you very much.

† ಶ್ರೀ ಎನ್. ಎಸ್. ಗುರುಸಿದ್ದಪ್ಪ (ಬಿಳಿಗಿನಿ):—ಮಾನ್ಯ ಸಭಾ ಉಪಾಧ್ಯಕ್ಷರೇ, ರ್ಪೊಷನೇ ೦ದಿ ಮೈಸೂರು ಅರ್ಬನ್ ವಾಟರ್ ಸಪ್ಲೆ ಆಂಡ್ ಡ್ರೈನೇಜ್ ಬೋರ್ಡ್ ಬಿಲ್ಲು' ಏನು ನಮ್ಮ ಮುಂದೆ ಇದೆ ಇದರ ಬಗ್ಗೆ ನಾನು ಒಂದೆರಡು ಮಾತುಗಳನ್ನು ಹೇಳುವುದಕ್ಕೆ ಇಚ್ಛೆಪಡುತ್ತೇನೆ ಇದು ಕೇವಲ ನಗರಗಳಿಗೆ ಮಾತ್ರ ಸಂಬಂಧಪಡತಕ್ಕ ಮಸೂದೆಯಾಗಿದೆ ಆದರೆ ರಾಜ್ಯದಲ್ಲಿ ಶೇಕಡ ೮೦ ರಷ್ಟು ಪ್ರಜಾಸಂಖ್ಯೆ ಇರತಕ್ಕ ಗ್ರಾಮಾಂತರ ಪ್ರದೇಶವನ್ನು ಸರ್ಕಾರದವರು ನಿರ್ಲಕ್ಷ್ಯ ಮಾಡಿದ್ದಾರೆ. ಇದನ್ನು ನನಾ

(ಶ್ರೀ ಎನ್. ಎಸ್. ಗುರುಸಿದ್ದಪ್ಪ)

ಪಾರ್ಟಿಯಾಲಿಟಿ ಮಸೂದೆ ಎಂದು ಹೇಳದೆ ವಿಧಿಯಿಲ್ಲ. ಪಂದ್ಯಾಸಿನಲ್ಲಿ ಅವರು ಇಂಥಾ ಒಂದು ಮಸೂದೆಯನ್ನು ತಂದಿದ್ದಾರೆಂದು ಹೇಳಿ ಇಲ್ಲಿ ನಮ್ಮ ಸರ್ಕಾರವು ಅದನ್ನು ಅನುಕರಣೆ ಮಾಡಲು ಹೊರಟಿದೆ. ಆದರೆ ಇಂಥಾ ಒಂದು ಬೋರ್ಡಿನ ಅಗತ್ಯ ಇಲ್ಲಿದೆಯೇ ಎಂಬುದನ್ನು ಸರ್ಕಾರ ಪರಿಶೀಲನೆ ಮಾಡಿದಂತೆ ಕಾಣುವುದಿಲ್ಲ. ಇದರಲ್ಲಿ ಅಡಗಿರತಕ್ಕ ಮುಖ್ಯ ಉದ್ದೇಶ ಎಂದರೆ ಮುನಿಸಿಪ್ಯಾಲಿಟಿಗಳಲ್ಲಿ ಇಲ್ಲಿತನಕ ಇದ್ದ ಅಧಿಕಾರವನ್ನು ಈಗ ಕಿತ್ತುಕೊಳ್ಳಲು ಈ ಒಂದು ಉಪಾಯವನ್ನು ಹುಡುಕಿದಂತೆ ಕಂಡುಬರುತ್ತದೆ ಗ್ರಾಮಂತರ ಪ್ರದೇಶಗಳಿಗೆ ಇಂಥ ಒಂದು ಬೋರ್ಡಿನ ಅಗತ್ಯತೆ ಹೆಚ್ಚಾಗಿದೆ. ಏಕೆಂದರೆ ಅಲ್ಲಿರತಕ್ಕ ಗ್ರಾಮಪಂಚಾಯಿತಿಗಳ ಛೇರ್ಮನ್ನರು ಏನಿದ್ದಾರೆ ಅವರಿಗೆ ನಗರಳಲ್ಲಿರತಕ್ಕ ಜನರಷ್ಟು ಜಾಣ್ಮೆ ಇರುವುದಿಲ್ಲ, ಅವರಿಗೆ ಟೌನ್ ಪ್ಲಾನಿಂಗ್, ಡ್ರೈನೇಜ್ ಇತ್ಯಾದಿಗಳ ಬಗ್ಗೆ ಹೆಚ್ಚಿನ ಪರಿಚಯವಿರುವುದಿಲ್ಲ. ಅದುದರಿಂದ ಅಂಥ ಪ್ರದೇಶಗಳಿಗೆ ಇಂಥಾ ಬೋರ್ಡಿನ ಅಗತ್ಯವಿತ್ತು. ನಗರಗಳಲ್ಲಿ ಇರತಕ್ಕ ನಗರ ಸಂಸ್ಥೆಗಳ ಅಧ್ಯಕ್ಷರು ಒಳ್ಳೆಯ ವಿದ್ಯಾವಂತರಂಗಳಿರುವುದರಿಂದ ನಗರಗಳಿಗೆ ಇಂಥಾ ಯೋಜನೆಗಳು ಅನವಶ್ಯಕ. ಅದುದರಿಂದ ಇದನ್ನು ತಂದಿರತಕ್ಕ ಉದ್ದೇಶ ಮುನಿಸಿಪ್ಯಾಲಿಟಿಗಳಿಗಿದ್ದ ಅಧಿಕಾರವನ್ನು ಕಸಿದುಕೊಳ್ಳಬೇಕೆಂಬುದೇ ವಿನಾ ಇದರಲ್ಲಿ ಬೇರೇನೂ ಉದ್ದೇಶ ಕಾಣುವುದಿಲ್ಲ. ಆದುದರಿಂದ ಇಂಥಾ ಒಂದು ಮಸೂದೆಯನ್ನು ತರಬಾರದಾಗಿತ್ತು, ಇದು ಸೂಕ್ತವಾದದ್ದಲ್ಲ ಎಂದು ಹೇಳಿ ನನ್ನ ಮಾತುಗಳನ್ನು ಮುಂಗಿಸುತ್ತೇನೆ.

† SRI K. PUTTASWAMY.—(Chamndeshwari) Mr. Deputy Speaker Sir, I rise to support some of the important principles underlying this Bill. while doing so, I would like to point out how the objects, though loudable, cannot be achieved if the Bill is going to be passed in its present form.

Sir, there seems to be a lot of confusion in the minds of the Government in framing this Bill. This is both a financing body for some municipalities and it is a body which plans and executes the schemes for other muncipalities. I do not know whether the one and the same body can be expected to discharge both these functions satisfactorily. In my humble view, it should either be a financing body or a body which takes up schemes at the request of local bodies to execute schemes. It was claimed by the Government that this Bill is the exact replica of the similar Act which is in force in Tamil Nadu State. Even if that is so, in all humility, I would like to submit to this House that this Bill requires deeper consideration at the hands of this House.

Sir, in all financing bodies, one of the important principles in the formulation of a statute is that it should enjoy sufficient autonomy. This Bill has to be examined from that point of view. we have to examine and find out whether sufficient autonomy has been given to this body to function fairly independently of the Government. I do not advocate that all such bodies should be independent of the Government. The Government which ultimately is responsible for the financing of these bodies, has a right of say. It has a right to give directions. I for one would feel that the Government should satisfy itself by reserving only powers of giving directions for such bodies. If we examine the provisions of this Bill, we find that the Government is not prepared to concede full autonomy for this body.

I do not think that if this Bill becomes an Act, the Government would be able to get talented men to serve on this body. If only we examine clause 6 of the Bill, we feel very much disappointed at the efforts of the Government. Sir clause 6, proviso reads.

> "Provided that the Government may terminate at any time, the appointment of Chairman, the Managing Director and non-official d rectors".

May I ask the Government whether they can invite any man of talent, any man with integrity, a man of status to become a member of the Board having such a proviso in the enactment. Sir, let us see what are the types of men that they have in their mind to serve on this body as non-official director. Clause 4 (e) relates to the non-official directors.

> "Four directors shall be persons with wide experience in the field of public health engineering with reference to water supply or drainage or disposal of industrial waste, who are not employed by the Government or local body or a corporation owned or controlled by the Government".

They want persons who have sufficient expert knowledge in this field. Sir, would such a person even if he is invited, would he accept to serve on the Board as a director when he is aware that his term of office may be terminated at any time by the Government ?

I do not know why this Government have found this proviso very necessary. Is it a threat to the body to behave? I would very much like the Government to seriously consider the question of deleting this proviso. It does not do us any good and it would not be fair on the part of the House to agree to such a proviso when we are expecting persons in high positions to come and serve on such bodies.

5.30 P.M.

Again, clause 8 deals with the removal of the Chairman and other non-official directors. of course, in a board of this kind, largely it has to be a nominated body. when that is so, is there any necessity to have an elaborate provision for the removal of Chairman and other non-official directors. It is a body where the official members would be almost dominating the board. If the non-official members differ from them, they will not be able to carry the day. I think Government will have to put up with them till their period is over, and they should not devise ways of removing them at their sweet will.

Sub-clause 2(c) of clause 8 is all right. If the Government feels that he is unsuitable, he can be removed. The period is going to be three years. The Government can appoint a person and after some time according to this provision the Government feels that he has become unsuitable. These are all not provisions which are conducive to the growth of autonomous bodies.

(SRI K. PUTTASWMY)

I would again refer to one other provision which we do not ordinarily find in such enactments. That is clause 44 which deals with disqualification in certain cases. I do not know why the Government have felt that they should remove the disqualification for the Chairman and directors from becoming member of the Legislative Assembly or Legislative Council. Perhaps the Government is thinking of having some members of the Assembly as Chairman and directors. I do not object to it. when a member can become a Minister he can as well become a Chairman. My main objection to this is that it is coming in the way of the autonomy of the borad. Government wants to create a body which in law is autonomous but in spirit it is not. Such an attempt should not be made. we have a parrallel legislation. we are not quite new in this field. There is the Bangalore Water and Sewerage Board Act. In that Act there is a specific provision which disqualifies the members of the Assembly or the Council from becoming directors of that board. Perhaps what thf Government had in their mind when they passed that Bill was thae the body should be completely autonomous and that the men wht were experts in the field should be enabled to become members of thao board. Here I am led to believe that the Government are having lot of confusion in their mind in regard to this Bill.

There are many many more provisions which affect the autonomous nature of this Bill. I refer to clause 9 which deals with the appointment of Secretary, Chief Engineer, Accounts Officer and other officers and servants of the board. According to this clause the board may appoint a Secretary, a Chief Engineer, an Accounts Officer and such other officers and servants as it considers necessary for the efficient performance of its functions. This is all right. But they add a proviso which says. Provided that the Board shall not without the previous approval of the Government, sanction the creation of, or appoint any person to, any post the maximum monthly salary ot which exceeds one thousand and six hundred rupees" I appreciate the necessity of having a provision requiring the approval of the Government for the creation of any post. But is there any necessity for having the permission of the Government for even filling it up? Not ouly that, even in the matter of appointments the board has no power to do it by it self.

Again, clause 21 relates to the approval of the scheme by the Government.

Clase 21

Here also, this is supposed to be an expert body. When thi body is requested to take up the schemes, it should be relied upon. The Government should not act as a superior body over this Board

This Bill will have to be considered from another point of view. We should not forget that there are the existance of local bodies-corporation, city municipalities, town municipalities, etc. We should examine whether one body at the apex level can take up this huge task and solve it. I can understand if the Government envisage it as a financing body to raise finance and to advance loans to local bodies for implementing the water and drainage schemes. The Government have conceived this not only as a financing body but also as a body to plan and execute both the water and drainage schemes There are three major cities in the State. For example Mangalore, Bangalore, Hubli-Dharwar and Mysore. There are also bigger municipalities. Can we expect with any justification that this body would be able to plan out schemes of water supply and drainage for all the big cities to manage it ? I submit that it may be rather difficult There is always a section of the public who are hot very appreciative of the act of Government in having brought into existence the Bangalore Water Supply and Swewerage Board. I would like to submit to this House that but for the Bangalore Water Supply and Swewerage Board, perhaps the Cauvery schemes bringing water from a distance of 55 miles and the comprehensive drainage scheme for Bangalore City would have remained a dream. I would like to commend to the acceptance of this House that similar Water Supply and Swewerage Boards will have to be conceived for some bigger cities and they will have to be brought into existance with powers to plan out execnte and also maintain it. It is not as if I am not zealous of the rights and privilages of the local bodies. I have been a member of the local body for quite a long time. I was also in charge of Municipal Administration for some time and I am one of those who feel proud of having been Municipal Councillor for a period. The task that the local bodies is bound to discharge is so heavy that the local bodies will not be able to discharge its functions very satisfactorily. I would feel that for cittes like Mangalore, Bangalore, Belgaum and Hubli-Dharwar, independent Water Supply and Swewerage Boards are very necessary. Therefore, what I would have expected the Government is to have brought in an enabling measure for creating Water Supply and Sewerage Boards for certain if the important municipalities so that they could have got the benifit of water supply and drainage soon. Instead of that, the Government have conceived one Board for the entire State. I am afraid that it would be rather diffieult for this Board to take up the task of providing Water Supply and drainage and even if they do so under this Act, they have no responsibility of maintenence. Water Supply and drainage facility is one which has to go on ever expanding. Urban centres are growing small cities are becoming bigger cities and every day they will have to go on keeping pace with the growing population. Therefore, unless the responsibility of management of water supply and drainage is also given to this Board, the object with which the Government have brought this Bill is not going to be satisfied.

SRI K. PUTTASWAMY)

In Bangalore the Water Supply and Sewerage Board is responsible for raising money, having schemes and plants and execution and maintenance. I would like the Government to seriously consider whether even at this stage they cannot suitably after the Bill to meet this end.

Sufficient importance is not given to the local bodies at all. This Board is enabled to take up the schemes at the instance of the Government or at the instance of the local body. For a moment imagine that a scheme is taken at the instance of the Government. Then even when it is taken at the instance of the Government the local body is entirely responsible for footing the bill. Here, no provision is made for consultation with the local body. I do not canvass an opinion that the Government should not have the right to request the Board to take up the schemes. The Government has got the ultimate responsibility. Therefore I do not mean to say that this power should not be given to the Government ; but what I would like to say is that even when the Government wants to request the Board to take up the scheme, there must be an obligation on the Government to consult the local bodies. Even without consultation if the Government were to give directions to the Board to take up it would not be fair for the local bodies. After all the Government must always try to take the local bodies with them.

There is one other provision under which the local bodies are not enabled to take up any schemes costing more than 50 000 rupees without the permission of the Board. This is rather a very inconvenient provision. Perhaps the Government have not realised the cost of the present day schemes. In most of the Municipalities the replacements and improvements will have to be continuosly going on and if the Board were to expect that local bodies should not take up schemes costing more than 50,000 rupees then it would amount to be a serious limitation on the powers of the local bodies. Therefore the Government may consider the desirability of having such a provision and if it is desirable to see whether this ceiling of Rs. 50,000 cannot be relaxed.

Then Sir, this Mysore Urban Water Supply and Drainage Bill has to undergo lot of changes if it should become acceptable to this House and also if the Government is very earnest about the implimentation of the objectives. Even in the statement of objects and reasons the Government have simply stated that it is only brought with a view to undertake the investigation, preparation and execution of schemes for regulation and development of drinking water and drainage facilities in the urban areas. They have not said that this Bill is brought with a view also to finance the local bodies Are they geing to finance the local bodies for various chemes or are they intend to take up the

schemes themselves? There are several municipalities which are well-situated in respect of water supply and drainage facilities. It is not wise to take up the entire responsibility of providing water supply and drainage facilities in the entire State. It is not desirable and more over it is not the object. They take up the schemes only in cities and towns which the Government wants them to take. Therefore they will have to think of giving financial assistance to several municipalities. I would very much like the Government to have one body to raise finances and give loan for water supply and drainage facilities and another enactment enabling the Government to set up water supply and drainage Board improving cities in the State. If that is done I think the cause of the rban people would be very much served. With these remarks I conclude my speech.

† ಶ್ರೀ ಎಂ ಬಿ. ರಾಮಸ್ವಾಮಿ (ಅನೇಕಲ್) .—ಸನ್ಮಾನ್ಯ ಸಭಾಪತಿಗಳೇ, ಈ ದಿವಸ ಮೈಸೂರು ಅರ್ಬನ್ ಮತ್ತು ವಾಟರ್ ಸಪ್ಲೈ ಮತ್ತು ಡ್ರೈನೇಜ್ ಬೋರ್ಡ್ ಬಿಲ್ ಏನು ತಂದಿದ್ದಾರೆ ಅದನು ಪುಷ್ಟೀಕರಿಸುತ್ತಾ ಹಾಗೂ ಬೆಂಬಲಿಸುತ್ತಾ ಕೆಲವೊಂದು ಸಲಹೆಗಳನ್ನು ಕೊಡಲಿಕ್ಕೆ ಇಚ್ಛೆಪಡುತ್ತೇನೆ. ಈ ಬೋರ್ಡನ್ನು ರಚನೆ ಮಾಡುವಾಗ ಹೆಚ್ಚಿಗೆ ಗುರುತರವಾದ ಅನುಭವಗಳು ಹಾಗೂ ವಾಸ್ತವಿಕವಾಗಿ ಏನು ಒಂದು ಅನುಭವವನ್ನು ಪಡೆದಿದ್ದಾರೆ ಅಂಥವರನ್ನು ಬೋರ್ಡಿನಲ್ಲಿ ಇಡಬೇಕು ಎನ್ನುವುದು ನನ್ನ ಮೊಟ್ಟಮೊದಲನೆ ಸಲಹೆ ಇದರಲ್ಲಿ ನಾಲ್ಕು ಜನ ಡೈರೆಕ್ಟರ್ಸ್ ಏನು ತೆಗೆದುಕೊಂಡಿದ್ದಾರೆ ಆದರಲ್ಲಿ ಅಪಾರವಾದ ತಜ್ಞರು ಮತ್ತು ಅನುಭವಿಗಳು ಎಲ್ಲಾ ರಂಗಗಳಲ್ಲೂ ಇದ್ದಾರೆ ಎಂದು ಸ್ಪಷ್ಟವಾಗಿ ತಿಳಿಸಿದ್ದಾರೆ ಆದರೆ ವಾಸ್ತವಿಕವಾಗಿ ಅಲ್ಲಿ ನಿಜವಾಗಿ ಬೋರ್ಡು ಯಶಸ್ವಿಯಾಗಿ ನಡೆಯಬೇಕಾದರೆ ಹೆಚ್ಚಿಗೆ ಅನುಕೂಲಗಳು ಆಗಬೇಕಾದರೆ ಬಹುಭಾಗ ತಜ್ಞರು ಮತ್ತು ನಿಜವಾಗಿ ಏನು ಒಂದು ಆಸಕ್ತಿ ಇರುವವರನ್ನು ಬೋರ್ಡಿಗೆ ತೆಗೆದುಕೊಳ್ಳಬೇಕೆಂದು ಸಲಹೆಮಾಡುವುದಕ್ಕೆ ಇಚ್ಛೆಪಡುತ್ತೇನೆ. ಆಲ್ಲಿ ಬಹುಭಾಗದ ಜನ ವಿಧಾನಸೌಧದಲ್ಲಿ ಇರತಕ್ಕ ಕಾರ್ಯದರ್ಶಿಗಳು ಮತ್ತು ಇನ್ನು ಅನೇಕ ರೆವಿನ್ಯೂ ಡಿಪಾರ್ಟ್‌ಮೆಂಟಿನಲ್ಲಿ ಇರತಕ್ಕ ಅಧಿಕಾರಿಗಳನ್ನು ಹಾಕಿದ್ದಾರೆ. ಇದಕ್ಕಿಂತ ಹೆಚ್ಚಿಗೆ ಸ್ಥಳೀಯವಾಗಿ ಇರತಕ್ಕ ಜನ ಅಲ್ಲಿ ವಾಸ್ತವಿಕವಾಗಿ ಏನು ನ್ಯೂನತೆಗಳು ಮತ್ತು ಕುಂದುಕೊರತೆಗಳು ಇವೆ, ಸಾಮಾನ್ಯ ನಾಗರೀಕರಿಗೆ ಏನೇನು ಅನುಕೂಲಗಳು, ಸೌಲಭ್ಯಗಳು ಬೇಕು ಅದರ ಬಗ್ಗೆ ಚಿಂತನೆಯನ್ನು ಮಾಡುವ ಜನಗಳನ್ನು ಇದರಲ್ಲಿ ತೆಗೆದುಕೊಂಡಿದ್ದರೆ ಒಳ್ಳೆಯದಾಗುತ್ತಿತ್ತು ಎಂದು ಹೇಳುತ್ತೇನೆ ಮತ್ತು ಅಪಾಯಿಂಟ್‌ಮೆಂಟ್ ಮಾಡುವಾಗ ಬಹುಭಾಗ ಸರ್ಕಾರದ ನೆರವಿನಿಂದ ಆಗುತ್ತದೆ ಎಂದು ನಾನು ತಿಳಿದುಕೊಂಡಿದ್ದೇನೆ. ಆದರೆ ಈ ರೀತಿ ಬೋರ್ಡು ರಚನೆ ಮಾಡುವಾಗ ನಿಜವಾಗಿ ಸಾರ್ವಜನಿಕರ ಹಾಗೂ ಅಧಿಕಾರದ ಆಸೆಯನ್ನು ಬಿಟ್ಟು ಜನತೆಯ ಹಿತದೃಷ್ಟಿಯಲ್ಲಿ ಕೆಲಸ ಮಾಡತಕ್ಕ ಜನಗಳಿಗೆ ಪ್ರತಿನಿಧ್ಯ ಕೊಡಬೇಕಾದುದು ಮುಖ್ಯ ಆದ್ದರಿಂದ ಇದರಲ್ಲಿ ಯಾವ ಒಂದು ರಾಜಕೀಯ ಕೈವಾಡ ಇಲ್ಲದೆ ಬಹುಭಾಗದ ಜನ ನಿಜವಾಗಿ ಮತ್ತು ಸತ್ಯವಾಗಿ ದುಡಿಯತಕ್ಕ ಜನರನ್ನು ಆರಿಸಿಕೊಳ್ಳಬೇಕು ಎನ್ನುವುದು ನನ್ನ ವಾದ.

೭ನೇ ಸೆಕ್ಷನ್‌ನಲ್ಲಿ :-"Disqualification for appointment as Director of the Board. (1) A person shall be disqualified for being appointed as, and for being, a director of the Board, if he,-

(a) has been sentenced for any offence involving moral turpitude, such sentence not having been, reversed ;

(b) is an undischarged insolvent ;

(c) is of unsound mind ;

(d) is an officer or servant of the Board ;

(e) has directly or indirectly, by himself or by any partner employer or employee, any share or interest in any contract or employment with, by or on behalf of the Board ;"

(ಶ್ರೀ ಎಂ. ಬಿ. ರಾಮಸ್ವಾಮಿ)

ಎಂದು ಇದೆ. ಆದರೆ ಕೆಲವರು ಅರ್ಹತೆ ಇಲ್ಲದೆ ಇರತಕ್ಕ ಸದಸ್ಯರು ಇದ್ದಾರೆ ಅಂಥವರನ್ನು ತಪ್ಪಿಸಿ ನಿಜವಾಗಿ ಕೆಲಸ ಮಾಡುವವರು ಮತ್ತು ಪರಿಣಿತರನ್ನು ತೆಗೆದುಕೊಳ್ಳಬೇಕು. ಡಿಸ್ ಕ್ವಾಲಿಫಿಕೇಷನ್ ಇರತಕ್ಕಂಥವರು ಏನು ಸದಸ್ಯರು ಇದ್ದಾರೆ ಅದನ್ನು ನಿಜವಾಗಿ ಬೋರ್ಡಿನಿಂದ ಹೊರಗಡೆ ತೆಗೆದುಹಾಕಿದರೆ ಒಳ್ಳೆಯದೆಂದು ಈ ಸಮಯದಲ್ಲಿ ಸಲಹೆಮಾಡಲು ಇಷ್ಟಪಡುತ್ತೇನೆ.

ಅನೇ ಸೆಕ್ಷನ್ "REMOVAL OF THE CHAIRMAN AND OTHDR NON-OFFICIAL DIRECTORS :—

(1) If it any time it appears to the Government that the Chairman has shown himself to be unsuitable for his office, or has been guilty of any misconduct or neglect which renders his removal expedient, it shall by notification remove him from office after giving him a reasonable opportunity of showing cause".

ಎಂದು ಇದೆ. ಇದು ಪಾಸ್ತವಿಕವಾಗಿ ನಡೆಯುವುದಿಲ್ಲ. ನಿಜವಾಗಿ ಯಾರು ಒಬ ಮೆಂಬರ್ ದಕ್ಷನಲ್ಲ ಅದಕ್ಕೆ ಅರ್ಹನಲ್ಲ ಎಂದು ಕಂಡುಬಂದ ಪಕ್ಷದಲ್ಲಿ ನಿಷ್ಪಕ್ಷಪಾತವಾಗಿ ಯಾವ ಒಂದು ಇನ್‌ಫ್ಲ್ಯೂಯೆನ್ಸ್‌ಗೂ ಒಳಗಾಗದೆ ನಿರ್ದಾಕ್ಷಿಣ್ಯವಾಗಿ ಅವನನ್ನು ತೆಗೆದು ಹಾಕಬೇಕು ಎಂದು ಸಲಹೆ ಮಾಡುತ್ತೇನೆ, ಈಗ ನಡೆಯತಕ್ಕ ವಾಟರ್ ಸಪ್ಲೈ ಮತು ಸಿವರೇಜ್ ಬೋರ್ಡ್‌ಗೆ ಅವರದೇ ಆದ ಧೋರಣೆ ಇದೆ.

MR. DEPUTY SPEAKER.—The hon. Member may continue his speech next time. The House now stands adjourned to meet tomorrow at 1-00 p.m.

The house adjourned at Six of the Clock to meet again at One of the Clock on Weduesday, the 7th Marck 1973.